

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF MEETING
MARCH 6, 2007**

CALL TO ORDER The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were Tony Sagami, Gina Klempel, Janet Loranger, Scott Hollinger and Mark Hash. Nicole Lopez-Stickney and Jeff Harris represented the Flathead County Planning & Zoning Office (FCPZ).

There were approximately 7 people in the audience.

APPROVAL OF MINUTES No minutes were approved at this meeting.

CONDITIONAL USE PERMIT MARINA VIEW ESTATES (FCU 06-19) A request by Marina View Estates, LLC for a Conditional Use Permit to construct a seventeen (17) unit multi-family dwelling which includes commercial use within the Bigfork, B-3 (Community Business) Zoning District. The property is located at 180 Vista Lane and will be served by the Bigfork Water and Sewer District.

STAFF REPORT Nicole Lopez-Stickney, of the Flathead County Planning & Zoning Office, reviewed Staff Report FCU 06-19 for the Board.

BOARD QUESTIONS Klempel asked how much of the land is in the wetland.

Lopez-Stickney said none of the land is in the wetland, but the property to the west is a mapped wetland area. She said Bigfork Land Use Advisory Committee (BLUAC) they recommended approval of the project with amendment to condition #12. She said there was a lot of discussion at the meeting regarding storm water.

Klempel asked if there was a storm water prevention area.

Lopez-Stickney didn't think so.

Hash asked if Staff recommended the changes.

Lopez-Stickney said yes. Staff also recommended curb and gutter to channelize storm water.

Hollinger asked about the purpose of the curb and gutter.

Lopez-Stickney said the purpose was to define the curb of the roadway. She said there are a lot of parking areas and it helps keep traffic on the road as you are driving.

Hash asked Lopez-Stickney her opinion.

Lopez-Stickney said she doesn't work for DEQ but believes increasing the surface will speed up the storm water.

APPLICANT

Bill DuBeau, of AE Architects in Billings, said the drawings they submitted to the County were for 17 units and have since been reduced to 16 units. He said the planned building sits on top of the existing building, so it is replacing an existing structure. He discussed the parking issues at Marina Cay and said it has been an ongoing issue. He said they are trying to mitigate the problems with the homeowners by adding the parking within the building and he feels the added parking and reduced use to the facility. They have solved 95 percent of the problems and the building replaces an old building with a new one. He discussed the color of the condos and said it has more natural colors. He said at the BLUAC meeting there were not a lot of negative comments.

Eric Garber, APEC, said he came to discuss some of the technical issues that came up at the BLUAC meeting. He said the first concern is the gutter requirement; striping the road would be better than a curb gutter. He said increased movement will increase sediment. He said condition #7 would be hard to do because the sewer was underground so getting it out of the 100-year floodplain would be close to impossible. He discussed different things that would better the situation. He said his last concern was that it's not appropriate to submit the storm water report to the Flathead County Health Department because it is normally submitted to the district and then to the DEQ. He discussed the drainage report and said it was more conceptual than final.

Hollinger asked if condition 12 was repetitious.

Garber understood where the Staff was coming from but didn't think it was necessary.

Sagami asked about the parking issue and if Garber had any disagreement with the requirements.

Garber said he doesn't have any issues but thinks there is some confusion as to who the existing parking spaces belong to.

Klempel asked if the red area on the map was parking area.

Garber discussed what was on the map.

Klempel asked if there is currently a storm draining system.

Garber said there are an empty parking lot and a sewer line owned by Bigfork Water and Sewer.

Klempel asked if there was a filtering system.

Garber said you can put a "T" in the system so the pollutants would settle on top.

Fred Sterham, Marina View, discussed the parking issues with the Marina Cay Homeowners Association. He said there was an agreement in place in 2004 with the homeowners. He then discussed the substantial parking. He said as the property grows he believes everything can be worked out in everyone's best interest. He agreed with the parking spaces Staff came up with.

**PUBLIC
COMMENT**

Elna Darrow, Bigfork, said their good neighbor has proposed a good project but she has two concerns. One of them being the wetlands; she wants something enforceable in the conditions saying their wetlands would not be impacted by the condo's storm water. Her other concern is the property just to the North of this project; she wants to see some survey stakes showing where the property line is. She said the condos would be an enhancement to Bigfork.

George Darrow, Bigfork, said it would be an attractive project. He said the property adjoining the developers is owned by himself and a real estate company. He said the property is one foot above the floodplain level and his property is not available as a catch basin for the run off from the project. He said the flat roofs and paved areas will create a lot of runoff and there is very little grass area for the run off to soak into.

He wants to make sure the runoff is contained.

**STAFF
REBUTTAL**

Lopez-Stickney said the conditions Garber suggested are good and didn't have any opposition to it. Staff recommends keeping the condition regarding parking requirements to be the same. She said the storm water drainage approval by DEQ will mitigate impacts.

Sagami asked how condition #12 would read.

Lopez-Stickney said it would read as follows: the proposed stormwater system, and water and sewer connections will be reviewed and approved by the responsible agency. Any additional discharge generated on-site and/or erosion must not go onto any private property, including wetlands to the west of the site. The DEQ will determine the proper size of the catch basin and it will have an environmental filter to remove toxins.

Hollinger asked if Staff looked at all of the units as a whole picture.

Lopez-Stickney said as Marina Cay sits right now, it doesn't meet the zoning requirements because it was grandfathered in. She said the requirements are two parking spots for each unit plus one spot for every four units for guest parking.

**APPLICANT
REBUTTAL**

Garber said any extra runoff caused on the property will be dealt with but any runoff that is currently created on the property will stay on the property.

Sterham says water will go back and forth on a minimal level.

Garber said the property is the lowest point around.

Klempel asked if their construction was going to take seismic activity into consideration.

Sterham said they are researching the seismic activity.

**BOARD
DISCUSSION**

Sagami asked if Staff's goal is to have no discharge on the neighboring properties.

Lopez-Stickney said developers are required to not increase the discharge. She said BLUAC's condition should be adopted

as amended to reads: The proposed storm water system, and water and sewer connections will be reviewed and approved by the responsible agency. Any additional discharge generated onsite and/or erosion must not go onto any private property, including wetlands to the west of the site. The DEQ will determine the proper size of the catch basin and it will have an environmental filter to remove toxins.

Hash said his only thought is if they have any opportunity to improve a condition, they should do it. He said he doesn't know what the criteria would be for discharge onto the adjoining land.

Harris said it is when the discharge exits and enters the property, and the volume of discharge.

Hash asked how they regulate the discharge with new construction.

Harris said anything generated onsite should stay onsite; that is the general DEQ practice.

Hollinger said DEQ is on top of the storm water drainage so he's not concerned about it.

Sagami asked Garber to explain a few things he said about the DEQ.

Garber discussed the DEQ requirements.

Hash asked if the DEQ ever looks at a project and thinks it has too much runoff.

Garber said the DEQ limits their review to the letter of the law.

Hash said he is concerned about how storm water issues are handled.

Harris said DEQ looks at each site individually.

Hollinger asked about condition #7 and the relocation of sewer lines.

Garber said he wanted the last sentence of condition #7 reworded to require the developers to work with the district.

Hash asked if something should be added to the conditions to ensure the lighting would stay the same as the developers presented it.

Lopez-Stickney said it wouldn't be a problem to add a condition assuring the lighting would stay the same.

Hollinger asked about the 15-foot bike and pedestrian easement.

Sturhm said it will be a 15 x 40 piece of property.

Hollinger asked how long the project would take.

Sturhm said it would be a 12 to 16 month project.

MOTION

Sagami made a motion seconded by Loranger to adopt Staff Report FCU 06-19 and grant a conditional use permit with the changes made to conditions 1, 7, 12, and added conditions 25, and 26.

**MOTION
WITHDRAWN**

Sagami withdrew his motion.

MOTION

Hash made a motion seconded by Klempel to adopt Staff Report FCU 06-19 as findings-of-fact, except number one.

ROLL CALL

On a roll call vote the motion passed unanimously.

MOTION

Sagami made a motion seconded by Loranger grant the conditional use permit FCU 06-19 with the amended conditions: 1. The internal roadway will consist of a minimum 20-foot paved driving surface ~~with curb and gutter to be installed on both side of the road for its entire length.~~ Access between the roadway and the parking areas shall be clearly demarcated. The four parking spaces, located at the at the bottom of the existing stairway and catty-corner from the easternmost boundary of the proposed structure, will be painted with diagonal yellow stripes and signed with a "No Parking" sign so that no parking is permitted in that area. 7. ~~The applicant will relocate the portions of the water and sewer mains so that no permanent structures, including~~

~~stairways, retaining walls, and pools, will encroach within 10 feet of these utilities, and so that the mains remain a distance of 10 feet from each other. Any relocation of the sewer main will be to a location outside of the 100 year floodplain.~~ Plans for relocation of the water and sewer mains will be approved by the Bigfork Water and Sewer District prior to the commencement of any work. 12. The proposed stormwater system, and water and sewer connections will be reviewed ~~by the Flathead City County Health Department~~ and approved by the ~~Montana Department of Environmental Quality~~ responsible agency. Any additional discharge generated on-site and/or erosion must not go onto any private property, including wetlands to the west of the site. The DEQ will determine the proper size of the catch basin and it will have an environmental filter to remove toxins. And the added conditions: 25. The project shall ensure that all lighting utilizes "dark skies" practices as proposed in the site plan. 26. The applicant shall make every effort to control dust on-site. No visible dust shall leave the property line.

ROLL CALL On a roll call vote the motion passed unanimously.

OLD BUSINESS None.

**NEW BUSINESS/
PUBLIC
COMMENT** None.

ADJOURNMENT The meeting was adjourned at approximately 7:30 pm. on a motion by Loranger seconded by Klempel. The next meeting will be held at 6:00 p.m. on April 3, 2007.

Scott Hollinger, Chairman

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: ____/____/07